

MINUTES

City Council Regular Meeting
January 19, 2021 - 7:00 PM

CALL TO ORDER

Mayor Rudy called the meeting to order at 7:03 p.m.

PLEDGE

ROLL CALL

Mayor:	Brian Rudy
Mayor Pro-Tem:	Mark Clark
Council:	Laura Speer
	Alicia Johnson
	Fred Neal
	Amanda Castle
	Tammy Mortenson

PROCLAMATION

1. School Board Recognition Month

Mayor Rudy read the Proclamation aloud and proclaims the month of January, 2021 as School Board Recognition Month in the City of Evans. He then presented the Proclamation to the Greeley-Evans School District 6 Board President, Michael Mathews.

Mr. Mathews thanked the City of Evans for the Proclamation.

AUDIENCE PARTICIPATION

Ron Harper, resident of Ward 3, Evans, Colorado spoke about censorship and asked that City Council consider not using certain social media outlets for official City business because he believes they are violating First Amendment rights.

Mayor Rudy advised Mr. Harper that he will provide an update after Council and staff have an opportunity to discuss his request.

APPROVAL OF AGENDA

Mayor Pro-Tem Clark made the motion, seconded by Council Member Castle to approve the agenda as presented. The motion passed with all voting in favor thereof.

CONSENT AGENDA

2. Approval of the January 5, 2021 City Council Meeting Minutes

Council Member Johnson made the motion, seconded by Mayor Pro Tem Clark to approve the consent agenda as presented. The motion passed with all voting in favor thereof.

OLD BUSINESS

3. Public Hearing: Consideration of Ordinance Number 719-20 Amending the Land Use Code, Section 18.06.070 to Include Standards for Small Cell Wireless Facilities and to Clarify Sections of the Telecommunications Guidelines – 1st Reading

Mayor Rudy re-opened the public hearing at 7:28 p.m.

Mr. Becklenberg reviewed the item as detailed in the agenda packet. He then turned the meeting over to Drew Lyman, Assistant City Attorney.

Drew Lyman explained that the FCC and State government has implemented legislation regarding small cell technology that preempts municipalities from changing most of the regulations. He reviewed the legal background and the proposed amendments contained in the ordinance presented to Council.

Mayor Rudy asked if there was anyone in the audience wishing to speak in favor of the proposed ordinance. There were none.

Mayor Rudy asked if there was anyone in the audience wishing to speak in opposition of the proposed ordinance. There were none.

There were no questions from Council.

Mayor Rudy closed the public hearing at 7:33 p.m.

Council Member Neal asked about pending court challenges to the regulations. Drew Lyman responded that some of them have been resolved and does not have any details on any matters still pending in litigation.

Council Member Speer asked about providers placing small cell facilities on private residential property. Drew Lyman responded that the proposed ordinance addresses small cell facilities located in the public right-of-way. Council Member Speer confirmed the application fee of \$200 per location.

Council Member Castle made the motion, seconded by Council Member Neal to approve Ordinance Number 719-20 on first reading. The motion passed with all voting in favor thereof.

NEW BUSINESS

4. Consideration of 2021 Waterline Design Project Contract Award

Mr. Becklenberg reviewed the item as detailed in the agenda packet. He then turned the meeting over to Mark Oberschmidt, City Engineer.

Mark Oberschmidt reviewed the three projects included and the bidding and scoring processes used to select the contractor in the proposed contract presented to Council. He recommends awarding the contract to Ditesco Project and Construction Services.

Council Member Speer asked if legally the contract should be awarded to the lowest bidder. Mark Oberschmidt clarified that the contract can be awarded to the lowest responsive bidder. Ditesco was the most responsive bidder. They included ideas and recommendations, which the other bidders did not include.

Mayor Rudy stated that Sanderson Stewart scored close to Ditesco at a cost of approximately \$45,000 less. Mark Oberschmidt responded that Sanderson Stewart did not include in their proposal recommendations but stated that they would be flexible, which raised concerns. Ditesco also has project management experience, which is beneficial to the overall success of the project.

Mayor Pro Tem Clark stated that even though Sanderson Stewart may not have been as thorough in their bid, they do know the scope of the project. Mark Oberschmidt stated that even though Sanderson Stewart knows the scope of the project, he believes that the City will get a better product from Ditesco.

Mr. Becklenberg added that the lowest bidder could result in an extensive number of change orders. Mayor Pro Tem Clark confirmed with staff that even though Sanderson Stewart was the lowest bidder, they could cost the project more than Ditesco through change orders. Mark Oberschmidt added that for approximately \$45,000 more, the City is reducing the risk since excavators sitting onsite doing nothing waiting for a change order, would cost the City more. Mayor Pro Tem Clark stated that Sanderson Stewart only scored 5 points less than Ditesco but was \$45,000 less. He believes that Sanderson Stewart should have been scored lower based on anticipated change orders. Mark Oberschmidt responded that the point difference between Ditesco and Sanderson was greater before the cost was added into the scoring.

Council Member Speer reminded Council that there has been a lot of change orders in previous projects awarded to Ditesco and those projects finished just under the maximum contract amount. Therefore, she does not find it a valid argument that Ditesco will have less change orders.

Council Member Castle is concerned that the lowest bid is undershooting. She always questions the lowest bidder in that it may just be a way to get a foot in the door rather than a qualified bid. Based on the average amount of the other bids submitted, Ditesco is not that far off. She would support Ditesco if staff believes they are the most responsive bidder.

Mayor Rudy thought with the Sanderson Stewart price, and the score being so close, it should be awarded to them. Now that he is aware that the price played a role in bringing the score closer, that separates the proposals and he is in favor of Ditesco.

Council Member Neal confirmed with staff that the contract is just for the design of the projects.

Council Member Johnson thanked staff for their work and insight on this contract.

Mayor Pro Tem Clark made the motion, seconded by Council Member Johnson to award the 2021 Waterline Design Contract to Ditesco and to authorize the Mayor's signature on an agreement in the amount of \$239,391 with a not to exceed amount of \$250,000; and with the \$10,609 in contingency funding to be accessed only with City Manager approval to handle unforeseen circumstances that may occur with the project. The motion passed with all voting in favor thereof.

5. Public Hearing: Consideration of Ordinance Number 742-21 To Amend Section 18.04.060.J.A and Section 18.03.010 of the City of Evans Municipal Code to Clarify the Intent of Setback Measurements for RV Parks – 1st Reading

Mayor Rudy opened the public hearing at 7:52 p.m.

Mr. Becklenberg reviewed the item as detailed in the agenda packet. He then turned the meeting over to Anne Best Johnson, Community Development Director.

Anne Best Johnson explained that the intent is to clarify where the setbacks measurements are to be measured from. She reviewed the two sections in the Code where the amendments are proposed.

Mayor Rudy asked if there was anyone in the audience wishing to speak in favor of the proposed ordinance. There were none.

Mayor Rudy asked if there was anyone in the audience wishing to speak in opposition of the proposed ordinance. There were none.

There were no questions from Council.

Mayor Rudy closed the public hearing at 7:54 p.m.

Mayor Pro Tem Clark is in favor of the amendments.

Council Member Castle made the motion, seconded by Council Member Johnson to approve Ordinance Number 742-21 on first reading. The motion passed with all voting in favor thereof.

REPORTS

6. City Manager

Mr. Becklenberg advised of a grant being awarded to the City in the amount of \$25,000 from Water Now. He presented the 2020 Infrastructure Annual Report video to Council. He advised that Ziggi's Coffee will hold a ribbon cutting at 4:00 p.m. on January 22nd and their Grand Opening from 10:00 a.m. to 2:00 p.m. on January 23rd.

7. City Attorney

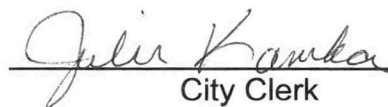
Scott Krob stated that development matters are in a lull, the small cell code amendment was heard tonight and that amendments to the Sign Code will be presented to Council in the near future.

AUDIENCE PARTICIPATION (general comments)

There was no audience participation.

ADJOURNMENT

The meeting was adjourned at 8:07 pm.


City Clerk



CITY OF EVANS – MISSION STATEMENT

“To deliver sustainable, citizen-driven services for the health, safety, and welfare of the community.”

It is the policy of the City of Evans that all programs and activities shall be accessible to, and usable by, persons with disabilities. Persons needing assistance shall contact the Safety & Risk Management Manager at the City of Evans. Please provide three to five business day's advance notice so we can adequately meet your needs.